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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,537	09/16/2003	Hong Nguyen	BE1-0033US	3588
49584	7590	06/13/2006	EXAMINER	
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			GESESSE, TILAHUN	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/663,537	NGUYEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tilahun B. Gesesse	2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4,7-13,15-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Noreen et al (US publication No. 2002/0183059A1) "Noreen".

Claims 1 and 10, Noreen teaches a receiver (see fig.2) , comprising:

Noreen teaches an input portion configured to receive a first signal transmitted by a first transmitter ( broadcaster 300 transmits input signal to interactive radio mobile unit 320 via broadcast radio receiver 324, see figures 2 and 13-15);

Noreen teaches a processor in communication with the input portion for converting the first signal to an audio signal the processor further comprising a control module for processing an input command (see claims 24 and 26)

Noreen teaches a user interface(customer response button 328) in communication with the processor, wherein the user interface is configured to receive the input command and to convey the input command to the processor (see figs 2 and 13-15, of the interactive radio mobile unit 320).

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Noreen teaches a control module executed by the processor for processing the input command and generating a query in accordance with the input command (the processor executes and transmit via transmitter 332, to network command or request or selection of songs, see figs.2 and 13-15 and it's disclosure).

Noreen teaches a network interface (364) in communication with the processor configured for facilitating communication between the receiver and the first transmitter via a network, wherein the query is communicated from the receiver to the first transmitter via the network. (see figs 13-14 and page 5 para 0046 )

Claims 2 and 15, Noreen teaches the first transmitter is a digital radio broadcast station (see page 9 para 0065).

Claim 3. Noreen teaches the input portion is configured to receive a second signal from a second transmitter (signal transmitted from network operation center 360 to interactive radio mobile unit, 320 see figures 13-14).

Claims 4 and 13, Noreen teaches the second transmitter is a satellite (see page 8, para 62 and fig. 10).

Claim 7, Noreen teaches the processor is configured for establishing a two-way communication path between the receiver and the first transmitter (see figs. 13-14).

Claims 8-9,16. Noreen teaches the processor generates a packet according to the input command and transmits the packet to the first transmitter via the network (see page 10 para 0073).

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Claim 11. Noreen teaches a server and a database in communication with the digital radio broadcast transmitter, wherein the database includes information related to a digital radio broadcast. (see figs. 13-15)

Claim 12, it recites subject matter which corresponds to claim 1, above. Therefore, it is analyzed and rejected for the same reason as set forth in the claim.

Claims 17-18. Noreen teaches the network comprises a packet switched network (see figs 1 and 10).

Claim 19, it recites subject matter which corresponds to claim 1, above. Therefore, it is analyzed and rejected for the same reason as set forth in the claim.

Claim 20, Noreen teaches executing a database look up at the digital radio broadcast station based on the contents of the query and retrieving the requested information from the database (see figs 13-15).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 5-6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen in view of Marko et al (US 6686880B1) "Marko".

Claims 5-6 and 14. Noreen does not teach the input portion is configured to receive a third signal from a third transmitter and the third transmitter is a repeater .

However, Marko teaches teach the input portion is configured to receive a third signal from a third transmitter and the third transmitter is a repeater (third signal from a third transmitter and the third transmitter is a repeater, SDARS repeater (17) see fig. 4). Noreen and Marko both teaches SDARS broadcast distributing invention , then , it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to input to the receiver , a third transmitter as a repeater, in the Noreen system, as evidenced by Marko, in order to boost the broadcast signal to the receiver when broadcasting satellite is away from line of sight and hinder broadcast signal from fading due to tall buildings, hill or any other obstacles (col. 3, line 1-10) .

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service

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Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/1/06  
*Tilahun Geesse*  
TILAHUN GESESSE  
PRIMARY EXAMINER